

**LUCAS COUNTY, OHIO LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
CONSTITUTION AND BY-LAWS OF THE LEPC**

ARTICLE I NAME

ARTICLE II STATE AND FEDERAL LAWS

ARTICLE III PURPOSE AND OBJECTIVES

SECTION 1 The purpose of the LEPC

SECTION 2 The Objectives of the LEPC

ARTICLE IV LEPC REPRESENTATION

SECTION 1 Composition of the LEPC.

SECTION 2 Appointment of the LEPC, Election of Officers

SECTION 3 Filling of Vacancies.

ARTICLE V JURISDICTIONAL BOUNDARY

SECTION 1 The LEPC's Jurisdictional Boundary

ARTICLE VI POWERS AND DUTIES

SECTION 1 Powers.

SECTION 2 LEPC Meetings.

SECTION 3 Quorum.

SECTION 4 Removal of a Member.

ARTICLE VII EXECUTIVE BOARD

SECTION 1 Composition and Term of the Executive Board.

ARTICLE VIII FUNDING

SECTION 1 Handling of funds.

SECTION 2 Grant Applications.

SECTION 3 Expenditure of Funds.

SECTION 4 Purchase and Accountability of Durable Items.

ARTICLE IX MEMBERSHIP CHANGES

SECTION 1 LEPC Membership Changes.

ARTICLE XI PARLIAMENTARY AUTHORITY

SECTION 1 Rules of Order.

ARTICLE XII AMENDMENTS

SECTION 1 Amendment of By-Laws.

ARTICLE I NAME

The name of this Committee is the Lucas County Local Emergency Planning Committee, (hereinafter referred to as the LEPC).

The LEPC is authorized by federal law, state law and by appointments duly issued by the State Emergency Response Commission, (hereinafter referred to as SERC), from a list of persons submitted and recommended to the SERC by the Lucas County Commissioners in accordance with provisions of the Ohio Revised Code (ORC) 3750.03(B).

ARTICLE II STATE AND FEDERAL LAWS

The following State and Federal laws applicable to LEPCs. Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 11001(c); and Ohio Revised Code 3750, as revised and as supplemented by the Ohio Administrative Code (OAC).

ARTICLE III PURPOSE AND OBJECTIVES

SECTION 1 The purpose of the LEPC:

As stated in ORC 3750.04 (A), the LEPC shall develop a chemical emergency response and preparedness plan for the planning district (Lucas County); establish procedures for conducting its public information and education responsibilities; receive and process requests for information from the public; notify the public of all LEPC activities and meetings; print and distribute the emergency plan and make it publicly available; receive reports and information as specified in ORC Chapter 3750.

With the information and reports received from facilities operating within the district, and analysis of the district's transportation risks, the LEPC will perform a hazard analysis, establish and maintain a data base of hazardous chemical locations and quantities in the district and establish and maintain a computer system for data management.

Detailed information on all facilities with Extremely Hazardous Substances (EHS) will be included in the emergency plan. (ORC Section 3750.04)

The LEPC is instrumental in fulfilling the purpose of the Community Right-To-Know law to increase the protection of the community from chemicals produced, used, stored, and/or transported within the Planning District.

All meetings, including sub-committee and ad hoc committee meetings, are open to the public.

SECTION 2 The Objectives of the LEPC are:

- a) To prepare and maintain a comprehensive and coordinated chemical emergency preparedness and response plan for Lucas County.
- b) To receive and process the public information requests in accordance with ORC Section 3750.03 and SERC resolutions.
- c) To implement the LEPC rules and requirements as outlined in ORC Section 3750.03.
- d) To carry out the powers and duties set forth in rules and resolutions of the SERC.
- e) To appoint appropriate sub-committees or other ad hoc committees to assist the LEPC on the duties and responsibilities as listed in ORC Section 3750.03 and ORC 3750.04.

ARTICLE IV LEPC REPRESENTATION

SECTION 1 Composition of the LEPC.

The LEPC shall consist of such number of members as the commission considers appropriate but shall include, without limitation, representatives from each of the following groups or organizations: elected state and local officials, law enforcement personnel, emergency management personnel, fire-fighting personnel, first aid personnel, health personnel, local environmental personnel, hospital personnel, transportation personnel, broadcast and print media personnel, community groups, and owners and operators of facilities subject to ORC Chapter 3750.

SECTION 2 Appointment of the LEPC, Election of Officers.

In August of the odd numbered year, a new LEPC will be appointed by the SERC based upon a list of persons the County Commissioners has recommended to the SERC. SERC will request, in writing, that the County Commissioners provide them their recommendations by a certain date.

To assist the County Commissioners develop their recommendations for SERC the, LEPC Secretary/Treasurer will provide the County Commissioners with membership applications as provided by SERC. At the last meeting of odd-numbered years, the LEPC shall nominate a Chairperson, Vice Chairperson and Secretary/Treasurer from names off the list that the County Commissioners forwarded to SERC.

At the first meeting of the newly appointed LEPC, an election of the LEPC Chairperson, Vice Chairperson and Secretary/Treasurer will be conducted by a member of the Executive Committee of the previous LEPC. The election will include the individuals recommended by the previous LEPC and nominations from the floor.

All person(s) to be nominated shall be contacted prior to the election and have indicated willingness to serve if elected. The LEPC Secretary/Treasurer will provide the names of the new Officers to the County Commissioners and the SERC immediately following the meeting.

The names of the individuals appointed to fill the LEPC positions of Information Coordinator and Community Emergency Coordinator will also be included in this notice. New members may be appointed at any time throughout the two-year term of the LEPC upon the recommendation of the County Commissioners and approval by SERC.

SECTION 3 Filling of Vacancies.

Vacancies may occur due to resignation or removal action (ORC Section 3750.03(B)).

The vacancies shall be filled in the following manner: The LEPC shall identify a qualified replacement and nominate, by vote of the membership, this person to fill the position in which such vacancy exists; the LEPC Secretary shall submit that person's name, with the recommendation that the person serve the balance of the unexpired term, to the County Commissioners requesting they nominate this person to the SERC for appointment to the LEPC.

The County Commissioners should then pass a Resolution requesting SERC appoint this person, or a person recommended by the County Commissioners, to the County LEPC to fill the remainder of the unexpired term and forward the request to SERC.

ARTICLE V JURISDICTIONAL BOUNDARY

SECTION 1 The LEPC's Jurisdictional Boundary:

The Lucas County's LEPC's jurisdictional boundary is all of Lucas County, Ohio.

ARTICLE VI POWERS AND DUTIES

SECTION 1 Powers.

The LEPC shall have all powers granted to it by ORC Chapter 3750.

SECTION 2 LEPC Meetings.

The LEPC shall meet a minimum of five (5) times each calendar year. The LEPC will set the time and date of its regular meetings. To be excused from a scheduled meeting the member in question shall contact, prior to the conduct of the meeting, a member of the LEPC Executive Committee.

The Chairperson or Vice Chairperson shall have the authority to call a special meeting of the LEPC. A special meeting may also be called by petition of any five (5) members of the LEPC.

A minimum of seventy-two (72) hours notice will be given to all members of the LEPC, and a public announcement of the meeting date, time and location will be made, in advance of a LEPC meeting. Minutes of the meetings will be taken and maintained with the official LEPC records.

SECTION 3 Quorum.

A majority of members of the LEPC present shall constitute a quorum for the transaction of LEPC business. Business shall be transacted only at properly scheduled and announced meetings.

SECTION 4 Removal of a Member.

The LEPC, by a two-thirds vote of all its members, may, at any time, remove a member for misfeasance, malfeasance, or nonfeasance or, at the request of the LEPC, the SERC may remove a member of the LEPC for any of those reasons.

Any member with two (2) consecutive unexcused absences, or with a total of four (4) unexcused absences within the two (2) year term, shall be considered to have resigned.

ARTICLE VII EXECUTIVE BOARD

SECTION 1 Composition and Term of the Executive Board.

There shall be an Executive Board composed of the LEPC Chairperson, Vice Chairperson, Secretary/Treasurer, Information Coordinator, Emergency Coordinator, and sub-committee Chairpersons.

The Executive Board may meet to discuss subject(s) pertinent to the LEPC in order to save time during presentation at regular LEPC meetings. However, only the whole LEPC can conduct LEPC business so the subjects must be presented to the LEPC for final disposition.

ARTICLE VIII FUNDING

SECTION 1 Handling of funds.

All funds, including grants and gifts, received on behalf of the LEPC, shall be credited to a “special emergency planning fund” in the treasury of the county as directed by ORC Section 3750.03(F).

The LEPC shall receive the services of the County Auditor as directed under ORC Section 3750.03(F). The Auditor will provide the LEPC guidance regarding procedures utilized by the County to expend funds and an accounting of the LEPC's account.

SECTION 2 Grant Applications.

The LEPC shall prepare and submit a SERC Grant application by February 1 of each calendar year. Grant applications may also be submitted to HMEP, PUCO and other funding agencies as needed.

SECTION 3 Expenditure of Funds.

The LEPC will not, under any circumstances, obligate funds in excess of the amount of dollars in its account with the County Auditor. The Secretary/Treasurer and/or Finance Committee Chairperson shall prepare and present an annual budget report to the LEPC for the fiscal year.

The Secretary/Treasurer and/or Finance Committee Chairperson shall prepare and present an annual operating budget for approval by the LEPC no later than December prior to the new fiscal year. The LEPC shall approve the annual operating budget by a majority (two-thirds) vote of the members present at a regular LEPC meeting.

Upon approval, the LEPC shall authorize the Secretary/Treasurer to conduct day to day LEPC operations within the approved budget. The Secretary/Treasurer shall submit the approved LEPC budget to the County Auditor by January 1 of the fiscal year.

The LEPC Secretary/Treasurer or Chairperson must sign all purchase vouchers. Purchase vouchers over \$1,000.00 must be signed by the Secretary/Treasurer and Chairperson or Vice Chairperson prior to purchase. The Chairperson and the Secretary/Treasurer or Vice Chairperson must sign contracts prior to submittal to the Lucas County Auditor.

The Lucas County Emergency Management Agency Director or Deputy Director is authorized to sign vouchers for payment to the Secretary/Treasurer in the absence of the Chairperson or Vice Chairperson. Requests for financial assistance, purchases or contract services shall be submitted in writing to the LEPC for their consideration.

The LEPC shall review and approve of all purchase requests in excess of the current budget appropriation for that account before the funds are expended. The annual LEPC operating budget may be amended by a majority (two-thirds) vote of the members present at a regular LEPC meeting.

SECTION 4 Purchase and Accountability of Durable Items.

Any durable items purchased from LEPC funds shall be accounted for in accordance with methods and procedures of the Lucas County's Auditor Office and applicable federal and state grant regulations.

All such items purchased, or donated to the LEPC, will be accounted for and properly marked as County Property in accordance with established County procedures and applicable federal and state grant regulations.

A listing of all these durable items will be maintained and provided to the membership at the first scheduled meeting following the LEPC's appointment by the SERC. Items which have lost their usefulness due to age, usage, breakage or disrepair, will be identified to the LEPC for their recommendation on salvage or disposal.

ARTICLE IX MEMBERSHIP CHANGES

SECTION 1 LEPC Membership Changes.

At the end of its two-year term, the LEPC shall, after reconciling the LEPC records, prepare a financial accounting for its two-year term of office. This accounting shall include fund balance, funds received, funds expended, durable items purchased and the ending balance.

ARTICLE XI PARLIAMENTARY AUTHORITY

SECTION 1 Rules of Order.

The rules contained in Roberts Rules of Order shall govern the LEPC and all standing and Ad Hoc Committees.

ARTICLE XII AMENDMENTS

SECTION 1 Amendment of By-Laws.

Any LEPC member shall have the right to comment on or suggest revisions to the By-Laws. The member will make his or her request in writing to the LEPC Secretary/Treasurer, a minimum of seventy-two (72) hours prior to the meeting, stating the portion(s) of the document which he or she wishes to discuss.

The LEPC shall have the power to amend the By-Laws in the following manner. Written notice containing the proposed amendment(s) shall be sent to each member of the LEPC at least thirty (30) days in advance of the date set for voting on the amendment(s).

Ballots will be provided to each member of the LEPC who shall return their ballot either by mail or in person to the Chairperson, Vice Chairperson or Secretary on or before the date set in the written notice. To be approved, Amendments must receive a two-thirds (2/3) majority vote of the ballots received.

This document, and all proposed amendments to this document, shall be provided to the County Prosecutor for review and comments a minimum of thirty (30) days prior to the date set for LEPC vote.

THIS DOCUMENT, THE CONSTITUTION AND BY-LAWS OF THE LUCAS COUNTY LOCAL EMERGENCY PLANNING LEPC, ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS ____ DAY OF _____, 20__.

LEPC CHAIRPERSON PRESIDENT,

COUNTY COMMISSIONERS

Approved as to form:

County Prosecuting Attorney